REMARKS

Claim 29 is pending in this application. Claim 29 is added and Claim 28 is canceled. As to new Claim 29, see previous Claim 28 and see also Applicants' specification, e.g., at page 1, lines 13-14; page 5, line 9+; paragraph bridging pages 6-7; page 7, line 5+; page 8, lines 19+; page 11, line 17+; page 12, line 2+, line 7+; page 13, line 9+; page 13, line 24+; page 14, line 22; page 27, line 9+. The claim amendments are to advance and simplify prosecution in this application, and not due to the prior art of record. Applicant's representative appreciates the Examiner telephone interview on November 19, 2008.

Claim 28 has been rejected under 35 U.S.C. 112, second paragraph as being indefinite, by being incomplete for omitting essential steps, citing MPEP 2172.01. Also, Claim 28 has been rejected under 35 U.S.C. 101. Applicants respond as follows. To advance prosecution, new Claim 29 is provided and these grounds of rejection are believed to be obviated.

Claim 28 again has been rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi (1980) in view of Habichler further both in view of Clark and Kintner. The Examiner identifies many deficiencies in Vardi at pages 10-14 of the office, and resorts to three additional references.

Applicants respectfully traverse this obviousness rejection.

The primary reference, Vardi, is very removed from Applicants' claimed invention. Firstly, Vardi fails to teach or disclose "A computer implemented method for management of workforce evolution of a workforce of a business" as recited in the preamble of Applicants' Claim 29. Vardi's focus is on an individual's changing career, rather than on change in a business' entire workforce. Vardi, not being focused on the workforce, further omits to teach how to manage the workforce. To the contrary, Vardi's 1980 work was about understanding an individual employee's movement.

Also, Vardi fails to teach "providing a system solution architecture comprising several layers separated by databases and computational and execution functions" as set forth in Applicants' Claim 29. Vardi fails to teach or disclose "a workforce evolution network" that is implemented in databases and computational and execution functions of a system solution architecture as in Applicants' Claim 29.

Vardi fails to teach or disclose making at least a first skill level/job group, a second skill level/job group, and a set of links (a new hire link, a resignation link, etc.) therebetween into a computer-based model manipulable by computer.

Vardi fails to teach or disclose keeping track of how many employees are in each skill level/job group at a given specified time. *See* Applicants' Claim 29, paragraph 1(b). Nor does Vardi disclose expressing that information as a vector, and using that vector in any computer-based, computer-manipulable model much less one relating to an entire workforce. *Id.*

Also, Vardi fails to teach or disclose keeping track of a set of time periods as recited in Applicants' Claim 29 at paragraph 1(c), and manipulating that data via computer.

·Further, Vardi fails to teach or disclose defining "a workforce evolution rate" and associating that information with a (link, time period) pair as in Applicants' Claim 29 at paragraph 1(d), much less manipulating that data via computer. Likewise, Vardi is deficient and lacks teaching of "controlled evolution rates" recited in Applicants' Claim 29, at paragraph 1(e).

Vardi completely lacks any teaching or disclosure about cost. Vardi utterly fails to teach or disclose "a cost function representing one or more numerical values associated with maintaining the workforce evolution network in a particular state at a particular time" as in Applicants' Claim 29, paragraph 1(f).

Vardi has no disclosure of these many aspects of workforce evolution and management of workforce evolution in Applicants' Claim 29, paragraph (1), and thus necessarily also then lacks Applicants' steps (2) and (3). A person of ordinary skill in Applicants' art simply does not see in Vardi how to deal with the workforce as a whole, but rather, regards Vardi as teaching about how to deal with career mobility of an individual, such as what the organization might say to a new hire or a prospect about his career path in the organization. Vardi fails to teach "computing ... achievable states of the workforce evolution network for a given one time period or multiple time periods ..., and determining whether a target state is achievable with the present state and the controlled evolution rates". *See* Applicants' Claim 29, paragraph (2). Moreover, Vardi has no disclosure "adding or destroying one or more skill level/job groups or one or more links and computing, via the system solution architecture, ... the cost of changing the workforce evolution network topology..." as in Applicants' Claim 29, at paragraph (3).

The Vardi and Habichler references[1] are only about one individual, unlike Applicants' Claim 29 in which the method concerns the organization's workforce as a whole. Moreover, Vardi and Habichler are further limited by not making provision for the organization to change in the form of adding or destroying skill level/job groups or links, while Applicants' Claim 29 deals with an organization changing in that way. Also, Vardi and Habichler omit to deal with cost to the business, which is dealt with in Applicants' Claim 29.

Vardi/Hablicher	Applicants' Claim 29
Does not deal with cost to the organization	Deals with cost to the organization
Does not deal with cost of the whole workforce	Deals with cost to the organization for the whole workforce
Deals with how over time, one individual moves within an organization	Deals with how, over time, many individuals move within the organization
Does not address the situation for the organization if another individual moves into the organization	Addresses individuals moving into the organization
Does not address the situation for the organization if, over time, the individual under study or anyone else exits the organization	Addresses individuals exiting the organization
Does not address whether the job groups within the organization change – the organization has a static org chart	Deals with a situation in which there are added or removed job groups within the organization change – the organization has a dynamic org chart
What the workforce costs the organization is not addressed	What the workforce costs the organization is addressed

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[1]When the Examiner resorts to the secondary reference, Habichler, titled "Managing future career paths," again, the perspective of Habichler, like Vardi's, is an individual's career, not a workforce's evolution. Referring to Habichler's Figs. 5A-5B, 7A-7D, 8D, see that the screens are expressed for use by the employee such as in terms of "My Current Work Position", "My Current Skills", "My Recommended Learning", etc. Also, Habichler, like Vardi, takes no account at all of cost to the employer.

A person of <u>ordinary</u> skill in the art at the time of Applicant's invention would lack reason, if he wanted to manage workforce evolution, to try to begin with the Vardi/Habichler references to come up with a workforce evolution method. Rather, the objectively more reasonable approach would have been that he or she would have started with existing work regarding <u>workforce</u> management such as Kintner (to GMC) titled "Method of determining the best mix of regular and contract employees." It is objectively unrealistic to hypothesize that a person of ordinary skill in Applicants' art would start with a <u>non-computer</u> model in Vardi that ignored <u>cost</u> to the business or the workforce as a whole; the much more logical starting point was Kintner which addresses <u>cost</u> from the employer's perspective and is a computer-based approach. Nor can Clark – dealing only with an automated system for matching job candidates with jobs – supply the huge deficiencies.

The Examiner's theory of how a person of ordinary skill in the art reads the four references and combines and manipulates them is not fairly attributable to such a person as his actual thought process. There is no way fairly attributed to him that he manipulates the four references into arriving at Applicants' Claim 29. The person of ordinary skill in the art at the time of Applicants' invention does not already know the Applicants' Claim 29; he or she just has the four references plus the knowledge and experience that are expected of that person. Back then, if the person of ordinary skill in the art received an assignment from his boss to create a computer-based workforce management system, out of the four references, he would not even logically start with Vardi because it is less close to his assignment than another of the four references (namely, Kintner). When such a person has Kintner, and he or she is tasked with building a computer-based <u>workforce</u> management system, it would not make sense to him or her to discard Kintner as a starting point and deviate to an old sociology-type paper about individual career mobility. Rather, objectively speaking, it would make more sense for him or her to have a starting focus on Kintner's computer-based system.

In any event, the four references simply do not combine themselves in the mind of a person of ordinary skill in the art at the time of Applicants' invention, for him to be able to arrive at Applicants' Claim 29. Applicants' Claim 29 is unattainable for him, despite having all four references, no matter how he thinks about the four references.
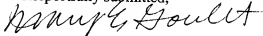
Reconsideration and withdrawal of the obviousness rejection are sought.

In view of the foregoing, it is requested that the application be reconsidered, that claim 29 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 50-0510 (IBM-Yorktown).

Respectfully submitted,

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